

may file a **formal** complaint of discrimination within **fifteen (15) calendar days** after receipt of the Notice of Final Interview.

This pamphlet has been specifically developed for employees to use as a guide to become aware of the procedures used in filing a complaint of discrimination.

For additional information or assistance contact...

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EQUAL  
EMPLOYMENT  
OPPORTUNITY

Proper Filing  
Procedures For  
Complaints Of  
Discrimination:

Employee Guide

The following information is provided to explain how the Department of the Navy (DON) processes Equal Employment Opportunity (EEO) complaints of discrimination. **This information is also listed on the discrimination complaint processing poster permanently affixed to your organization's official bulletin board.**

1. All DON employees, former employees, and applicants for employment who believe they have been discriminated against on the basis(es) of race, color, religion, sex, (which may include sexual harassment), national origin, age (40 and above), or handicap (physical/mental) must contact an EEO Counselor prior to filing a complaint.

2. An aggrieved person must contact an EEO Counselor **within 45 days** of the date of the alleged discriminatory act, or in the case of a personnel action **within 45 days of the effective date of the action**. The Counselor has **30 calendar days** to meet with the individual, make inquiries into the allegations, and attempt resolution of the complaint at the lowest possible level.

3. The agency shall extend the **45 day** time limit to permit timely contact when:

(a) The aggrieved person shows that he/she was not notified of the time limits and was not otherwise aware of them; or

(b) He/she did not know and reasonably should have known that the matter or personnel action occurred; or

(c) Despite due diligence, he/she was prevented by circumstances beyond his/her control from contacting a counselor within the time limits; or

(d) Other reasons considered sufficient by the agency or Equal Employment Opportunity Commission (EEOC).

4. The two stages in complaint processing are **informal and formal**. When contact is made with the counselor, this begins the informal stage. The counselor will schedule an initial interview with the aggrieved person to ask him/her to provide the following information:

(a) Date of the incident or personnel action;

(b) A description of the alleged discriminatory act(s);

(c) An identification of an EEO basis;

(d) And what resolution he/she is seeking.

5. The Counselor must conduct a final interview with the aggrieved person **within 30 days** of the initial contact unless the aggrieved person and the agency, through the EEO Officer or his/her designee, agree in writing to an

extension of counseling for up to **60 days**.

6. The Counselor must provide the aggrieved person with a written Notice of Final Interview at the conclusion of counseling. The notice will provide instructions on how to file a formal complaint (including a class complaint) and specify that such complaint must be filed within **fifteen (15) calendar days** of receipt of Notice of Final Interview.

7. If counseling continues beyond **thirty (30) days**, the counselor must inform the aggrieved that he/she has the right to file a formal complaint after **thirty (30) days** in counseling, regardless of whether counseling has been completed.

8. During the informal stage only, the aggrieved has the right to remain anonymous.

9. The aggrieved also has the right to have a personal representative present at all phases during the EEO process. It is aggrieved's responsibility to obtain this personal representative if he/she desires to have one. If the aggrieved obtains a representative, he/she **must** notify the EEO Counselor in writing of the name, address, and telephone number of his/her representative.

10. If at the end of the informal stage, the complaint is not resolved, the aggrieved